

APPEAL NO. 021308  
FILED JULY 10, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 8, 2002. With respect to the issues before her, the hearing officer determined that the respondent (claimant) is not entitled to supplemental income benefits (SIBs) for the fourth quarter and that he has permanently lost entitlement to SIBs because he was not entitled to them for 12 consecutive months. In his appeal, the appellant (claimant) argues that the hearing officer's determinations that he is not entitled to SIBs for the fourth quarter and that he has permanently lost entitlement to SIBs are against the great weight of the evidence. In its response to the claimant's appeal, the respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant did not satisfy the good faith requirement in the qualifying period for the fourth quarter either because he had no ability to work or because he conducted a good faith job search. The hearing officer was not persuaded that the evidence presented by the claimant was sufficient to satisfy the requirements of Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(4) (Rule 130.102(d)(4)). Nothing in our review of the hearing officer's determination in that regard reveals that it is so against the great weight as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to disturb that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). We likewise find no error in the hearing officer's determination that the claimant did not satisfy the requirement of conducting a good faith job search. The hearing officer was not satisfied that the claimant's efforts to look for work were undertaken in good faith in an attempt to gain real employment. That determination is not so contrary to the overwhelming weight of the evidence as to compel its reversal on appeal. Accordingly, we affirm the determination that the claimant is not entitled to SIBs for the fourth quarter.

The hearing officer also did not err in determining that the claimant has permanently lost entitlement to SIBs pursuant to Section 408.146(c) because he was not entitled to such benefits for 12 consecutive months. The hearing officer took official notice of Texas Workers' Compensation Commission records, which reveal that the claimant was determined not to be entitled to SIBs for the first, second and third quarters. Given our affirmance of the determination that the claimant is likewise not entitled to SIBs for the fourth quarter, the hearing officer properly determined that the claimant has permanently lost entitlement to SIBs under Section 408.146(c).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **NORTHERN INSURANCE COMPANY OF NEW YORK** and the name and address of its registered agent for service of process is

**GARY SUDOL  
9330 LBJ FREEWAY, SUITE 1200  
DALLAS, TEXAS 75243.**

---

Elaine M. Chaney  
Appeals Judge

CONCUR:

---

Daniel R. Barry  
Appeals Judge

---

Michael B. McShane  
Appeals Judge